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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 August 1999, at 10 a.m.

Chairman: Mr. HATANO

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GE.99-15265 (E)

The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/1999/L.17, L.18 and L.19)

Draft resolution on continuing of obligations under international human rights treaties (E/CN.4/Sub.2/1999/L.17) (continued)

1. Mr. BENGOA said that it was crucial that the Sub-Commission should strengthen the international legal system in the field of human rights, which was currently under threat. The draft resolution made it clear that, if action was taken that was contrary to the interests of some States parties, they withdrew from the mechanism concerned. The Sub-Commission had regularly to consider the status of the various international human rights instruments, encouraging States to become or remain parties to them. He requested that his name be added to the list of sponsors.

2. Mrs. WARZAZI said that the title of the draft resolution seemed to suggest that the Sub-Commission was criticizing States that withdrew from their obligations. In any case, the draft resolution had nothing to do with item 2 of the agenda. It had not been properly thought through. The Commission could not be asked to consider the implications of withdrawal from, or limitation of the scope of, international treaty obligations because it was only the States parties that had the right to do so. In that connection, she cited the relevant provisions on the right of denunciation of the International Convention on the Elimination of All Forms of Racial Discrimination (article 21), the Optional Protocol to the International Covenant on Civil and Political Rights (article 12) and the Convention on the Rights of the Child (article 52). She was opposed to the draft resolution.

3. Mr. SIK YUEN, speaking as one of the sponsors, said that the essential point made by the draft resolution was that it did not help to advance the protection of human rights when States that had voluntarily adhered to treaties decided subsequently to withdraw from their obligations or from submitting themselves to the jurisdiction of the relevant treaty body. The draft resolution in no way usurped a State's sovereign right to adhere to or withdraw from international human rights instruments.

4. There was clearly a divergence of opinions among the members of the Sub-Commission, and the draft resolution was the kind of measure which required broad consensus if it was to be effective. In paragraph 9, the Secretary-General was requested to submit a report on the status of withdrawals and reservations with regard to international human rights treaties to the Commission and the Sub-Commission; once that report was available, the Sub-Commission might be able to approach the matter again with more apparent even-handedness.

5. Mrs. DAES said that it was the duty and responsibility of every individual to strive for the promotion and protection of human rights, and the

draft resolution had been submitted in that spirit. Its main objective was to contribute to the further promotion and protection of human rights by supporting the ratification of treaties and discouraging withdrawal from treaty obligations. For many years, the Sub-Commission had been inserting references in resolutions urging Governments to ratify international human rights instruments, and it had always done so in good faith. The draft resolution should be adopted as it stood but, if other members of the Sub-Commission wished to delete the names of the countries mentioned or modify the relevant paragraphs, she would have no objection.

6. Mr. FIX ZAMUDIO said that the Sub-Commission had long been encouraging States parties to adhere to and ratify international and regional human rights instruments, and had always expressed its satisfaction when they did so. It was not good for the promotion and protection of human rights when States parties entered reservations or withdrew from their obligations. It was quite appropriate for the Sub-Commission to encourage them and invite them to rethink their positions; in so doing it was not in any way encroaching upon their sovereign rights.

7. Mr. PINHEIRO said that the draft resolution did not take up any position regarding the legality of a State party withdrawing from or limiting the scope of its international treaty obligations; that was a problem for the treaty bodies to address. The Sub-Commission's main concern was the promotion of human rights. The draft resolution made no attempt to usurp the legitimate sovereignty of any State party. It was a humble and modest endeavour to indicate concern at the somewhat strange direction in which certain States parties were moving. Some countries had not even ratified international human rights instruments, and it certainly did not represent good practice for a State party to withdraw from a mechanism if its human rights performance was criticized. He did not know of a single case of a State party denouncing an international human rights mechanism which had not previously been criticized by that mechanism.

8. Mr. JOINET said that the process of withdrawing from international human rights obligations was a recent one: it had begun in 1997. The draft resolution in no way suggested that a State party's right to withdraw was being contested, and none of the terms employed in the draft resolution was condemnatory. The verbs used were "appeals", "encourages", "invites" and "urges". The Sub-Commission would use the draft resolution as a means of sharing its genuine concern with the States parties.

9. Mr. EIDE said that the Sub-Commission's new title made it quite clear that its most important tasks were promoting the ratification of human rights treaties and securing what had been achieved. In the draft resolution, the Sub-Commission was not dealing with the question of whether it was legally permissible for a State party to withdraw from or limit the scope of its international treaty obligations; that was a matter for the relevant treaty body. The Sub-Commission should express its concern at the failure of some States parties to ratify treaties and the withdrawal of others from their obligations, once they had been criticized. The draft resolution unquestionably fell within the scope of agenda item 2. The phenomenon was recent and had to be dealt with quickly. As for the references to regional treaties, he pointed out that the Commission had itself adopted a resolution

at its most recent session acknowledging their importance. He would vote against any proposal to delete the names of States from the draft resolution.

10. Mr. GUISSÉ said he could not support the draft resolution. It was premature to submit such a draft resolution before the Sub-Commission had had an opportunity to read and discuss the report Ms. Hampson was preparing on reservations.

11. Mr. ALFONSO MARTÍNEZ said that there was a distinct minority of members who did not feel that the text of the draft resolution was acceptable or could contribute to furthering the promotion and protection of human rights. The balanced and moderate language of the operative paragraphs must be seen in the context of the language of the eighth preambular paragraph which spoke of the Sub-Commission being "concerned that some States [had] chosen to openly defy, disregard or otherwise ignore the recommendations made to them by international and regional human rights treaty monitoring bodies".

12. Were it not for certain minor textual changes and the naming of countries, he could himself have been one of the sponsors. Their number meant that the outcome of any vote was known in advance, but he thought that the Sub-Commission should not adopt the draft resolution with undue haste. If it came to a vote, he would like separate votes to be taken on a number of paragraphs. The Sub-Commission would, in any case, be discussing the question of reservations and withdrawals at its next session when it would have Ms. Hampson's report before it. One solution might be to give further thought to the issues and postpone a vote until that session.

13. The draft resolution would, he thought, be more effective in promoting human rights if it did not name and censure the individual countries. Countries would, willy-nilly, continue to withdraw from or limit the scope of their international treaty obligations if their own national interests so dictated.

14. Mr. SORABJEE said that, in view of the clarifications and statements made by Mr. Sik Yuen, Mr. Pinheiro and Mr. Eide to the effect that the draft resolution did not take a stand on the legality of the actions of the States concerned and did not question their right to withdraw, some of his reservations had been removed. As for Mr. Alfonso Martínez' statement regarding the language of the eighth preambular paragraph, it was surely the operative part of a resolution which prevailed; in the case of the draft resolution in question, the operative part used language which made it quite clear that the Sub-Commission was urging, requesting and imploring States. He still shared one lingering doubt with some of his colleagues, however, namely, that the Sub-Commission might be biting off more than it could chew if it adopted the draft resolution.

15. Mr. YIMER said that, although he welcomed the sponsors' assurances that the draft resolution was not intended to question the legitimacy of States withdrawing from human rights instruments, he still doubted whether the naming of States would, in fact, promote human rights.

16. Mr. FAN Guoxiang said that he, too, questioned whether the draft resolution would promote human rights. Since withdrawal from a treaty was

agreed by everybody to be completely legitimate, that act alone could not constitute a violation of human rights law. What seemed to be implied by the draft resolution was that such withdrawal must reflect a violation, but no evidence thereof had been produced in respect of the countries mentioned in the text. It was for that reason that a similar draft resolution had been rejected some years previously. Name-calling in the absence of definite proof of wrongdoing was not a legitimate procedure. He would, therefore, prefer to see action on the matter postponed for another year but, if there were to be a vote on the draft resolution, he supported the proposal by Mr. Alfonso Martínez that there should be separate votes on certain paragraphs.

17. Ms. HAMPSON said that, while it had not been the intention of the sponsors to suggest that withdrawal was in itself evidence of gross violation of human rights, the fact remained that, in all the cases mentioned, the withdrawals had occurred after violations had been reported by human rights bodies.

18. Mr. ALFONSO MARTÍNEZ said that that statement confirmed his reservations about the draft resolution because it appeared to justify the attack upon the exercise of a legitimate right on the grounds that unproven violations had previously occurred. He would certainly prefer action on the draft resolution to be postponed until the following session, but did not wish to make a formal proposal to that effect.

19. Mrs. WARZAZI said that she, too, would prefer action to be postponed until the following year.

20. Ms. HAMPSON said that all the sponsors were opposed to any such postponement.

21. The CHAIRMAN said that, in view of the divergence of opinions, it would clearly be necessary to put the draft resolution (E/CN.4/Sub.2/1999/L.17) to the vote. The separate votes requested by Mr. Alfonso Martínez related to three groups of paragraphs. The first group concerned eleventh, twelfth and thirteenth preambular paragraphs and paragraphs 4, 5 and 6.

22. The vote was taken by secret ballot.

23. At the invitation of the Chairman, Mr. Sorabjee and Mr. Sik Yuen acted as tellers.

24. The paragraphs in question were retained by 17 votes to 8.

25. The CHAIRMAN put to the vote the fourteenth preambular paragraph and paragraph 7.

26. The vote was taken by secret ballot.

27. At the invitation of the Chairman, Mr. Eide and Mr. Fan Guoxiang acted as tellers.

28. The paragraphs in question were retained by 17 votes to 8.

29. The CHAIRMAN put to the vote the fifteenth preambular paragraph and paragraph 8.

30. The vote was taken by secret ballot.

31. At the invitation of the Chairman, Mr. Bossuyt and Mr. Bengoa acted as tellers.

32. The paragraphs in question were retained by 14 votes to 10, with 1 abstention.

33. Mr. VOTO-BERNALES (Observer for Peru) said that his delegation had been extremely surprised that a group of experts should submit, under agenda item 2, a draft resolution that did not refer to a single violation of human rights as such. The draft resolution referred exclusively to the exercise of the right possessed by all States to denounce and withdraw from international treaties. It thus constituted a serious departure from the procedure of international law. The decision of Peru to withdraw from the jurisdiction of the Inter-American Court of Human Rights - which it was fully entitled to do - had resulted from an ultra vires action by the Court, which could have resulted in the release of hundreds of terrorists and gravely threatened the peace and security of the country.

34. The draft resolution was also selective in that Peru's situation with regard to the Court was precisely the same as that of Barbados, Dominica, Grenada and Jamaica. Likewise, Trinidad and Tobago, Canada and the United States of America did not recognize the competence of the Court because they were not even parties to the American Convention on Human Rights.

35. As far as the United Nations was concerned, Peru was cooperating positively with all bodies for the promotion and protection of human rights. It was a party to the six international treaties, and was one of the few States that had submitted its reports on time.

36. The draft resolution was not only legally questionable and politically selective, it also failed to make a positive contribution to progress in the field of human rights. His delegation hoped, therefore, that the Sub-Commission would reject it.

37. The CHAIRMAN put to the vote the draft resolution (E/CN.4/Sub.2/1999/L.17) as a whole.

38. The vote was taken by secret ballot.

39. At the invitation of the Chairman, Mr. Weissbrodt and Mr. Yimer acted as tellers.

40. The draft resolution, as a whole, was adopted by 17 votes to 7, with 1 abstention.

Draft resolution on the situation of long-term refugees and internally displaced persons (E/CN.4/Sub.2/1999/L.18)

41. Mr. EIDE, introducing the draft resolution on behalf of its sponsors, said that it dealt with two situations, the one concerning long-term alleged refugees in Nepal and the other concerning internally displaced persons in Turkey. The sponsors proposed, therefore, that it should be split into two separate draft resolutions, (a) and (b), which were about to be circulated, so that members would have the opportunity to vote separately on the two components.

42. Mr. GUISSÉ, supported by Mr. ALFONSO MARTÍNEZ, pointed out that the deadline for the submission of draft resolutions on agenda item 2 had expired.

43. Mr. PARK Sang-yong said that, although he had withdrawn his sponsorship of the draft resolution, his name still appeared among the sponsors. He requested that the oversight be remedied.

44. Mrs. WARZAZI said there were internally displaced persons not only in Turkey but in many other countries also. It was inappropriate to focus on Turkey, particularly under the current tragic circumstances. As far as Bhutan was concerned, she regretted that Mr. Joinet, who had visited the country as a member of the Working Group on Arbitrary Detention, had not been consulted on the matter. She proposed the deletion of sections A and B and the first paragraph of section C of the original draft resolution and was opposed to the two new draft resolutions.

45. Mr. EIDE requested that a decision should first be taken on the proposed division of the draft resolution into two separate texts.

46. Mr. ALFONSO MARTÍNEZ said he noted that the new draft resolutions, which he had just received, contained a number of changes that needed to be studied. He would prefer to maintain the previous draft resolution and have separate ballots on its two constituent elements.

47. Ms. HAMPSON said that the division of the draft resolution into two for ease of discussion had entailed no substantive changes. The preambular paragraphs dealing with refugees were contained in draft resolution (a), those dealing with internally displaced persons in draft resolution (b), and those dealing with both categories were included in both draft resolutions. As a result of the change of form, the draft resolutions had become country rather than thematic resolutions and were therefore entitled "The situation of Bhutanese refugees" and "The situation of internally displaced persons in Turkey" respectively.

48. Mr. FAN Guoxiang said that, as a matter of principle, he was not in favour of "name-calling". He supported Mrs. Warzazi's proposal.

49. Mr. EIDE, supported by Mr. JOINET, proposed that consideration of the draft resolution should be deferred until the following day to allow time for consultations.

50. It was so agreed.

Draft resolution on the situation of human rights in Indonesia
(E/CN.4/Sub.2/1999/L.19)

51. Mr. EIDE, introducing the draft resolution on behalf of its sponsors, said that, following long and fruitful consultations with representatives of the Government of Indonesia, a draft Chairman's statement had been prepared which, if adopted, would replace the draft resolution.

52. Mr. JOINET said that, although he had not sponsored the draft resolution, he was pleased to be able to support the Chairman's statement, which highlighted the trend towards full legal and practical separation of the national civilian police and the armed forces in Indonesia.

53. Mr. PINHEIRO said that the consultations with the Government of Indonesia had been a commendable initiative. Contrary to the recent statement by an observer for a Member State, the Sub-Commission did not "abuse its own properly circumscribed powers" but invariably sought to engage in dialogue with the Member States.

54. Mrs. WARZAZI said she welcomed the dialogue that had resulted in the draft Chairman's statement, which would, she hoped, be adopted by consensus.

55. The CHAIRMAN read out the following draft statement:

"The Sub-Commission on the Promotion and Protection of Human Rights is encouraged by the significant improvements taking place in Indonesia towards protection of human rights. It has taken note of the lifting of restrictions on political parties and the holding in 1999 of the first free elections in 45 years in the context of a process of democratization, including liberalization of the press and an active civil society. The Sub-Commission also welcomes the submission of the new draft law on human rights and the new draft revision of the law relating to the judiciary as well as the commitment of the Government to securing the independence of the judiciary, possibly by constitutional amendment, decisions of the People's Consultative Assembly, and/or by statute. The Sub-Commission further welcomes the legal and practical separation of the national civilian police and the armed forces in April 1999 and further developments to separate them completely in two years. The five-year National Action Plan on Human Rights commits the Government to the ratification of eight treaties: the Government has thus already ratified the core International Labour Organization Conventions, the Convention against Torture and the Convention on the Elimination of Racial Discrimination.

The Sub-Commission remains concerned, however, at the persistent reports of human rights violations including extrajudicial killings and ill-treatment, as well as continued serious violence and abuses, for example in Aceh and Ambon. The Government has taken various actions to deal with some of these concerns, for example by promoting dialogue and reconciliation in various regions including Irian Jaya; releasing a substantial number of political prisoners and prisoners of conscience from different parts of the country; and bringing to justice or dismissing some police officers and soldiers. In its statement to the

Sub-Commission, the Government also committed itself to continuing to bring to justice those who violate human rights, humanitarian law and criminal law so as to combat impunity.

The Sub-Commission notes that, in April 1999, the Government announced at the fifty-fifth session of the Commission on Human Rights that the Government has decided to ratify both International Covenants on Human Rights during the year 2000. It is hoped that the Government will then begin to consider ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights.

The Sub-Commission notes with satisfaction that the Government of Indonesia has already received visits from the thematic mechanisms of the Commission on Human Rights on torture (1991), extrajudicial executions (1995), violence against women (1998) and arbitrary detention (1999). The Sub-Commission is pleased by continuing efforts to implement the recommendations of the United Nations Working Group on Arbitrary Detention and the United Nations Special Rapporteur on violence against women. It further encourages the Government of Indonesia to continue its cooperation with the thematic mechanisms of the Commission, for example by inviting for follow-up visits the other two rapporteurs, and welcomes discussions towards inviting the Special Rapporteur on independence of judges and lawyers, in the context of the planned reform of the judicial system.

In conclusion, the Sub-Commission expresses its thanks for the cooperation of the Government of Indonesia and looks forward to further dialogue and discussion."

56. The draft Chairman's statement was adopted.

57. The draft resolution on the situation of human rights in Indonesia (E/CN.4/Sub.2/1999/L.19) was withdrawn by its sponsors.

58. Mr. WIRAJUDA (Observer for Indonesia) said that his Government shared the concern expressed by the members of the Sub-Commission regarding human rights violations everywhere in the world and had never claimed that the human rights situation in Indonesia was perfect. However, it underlined the importance of having effective ways and means to redress violations.

59. Although his Government had to deal with enormous problems resulting from the economic and political crisis, it had made substantial progress in the promotion and protection of human rights within a relatively short period of time. It had introduced fundamental political, economic and legal reforms, allowing democracy, a free press and a culture of respect for human rights to flourish in the country.

60. He stressed, however, that promoting the human rights and well-being of over 210 million Indonesians, of enormous ethnic, cultural, linguistic and religious diversity and spread over more than 17,000 islands, was no easy task. Nevertheless, he believed that, assisted by the basic policy lines adopted, the national programme of action in place and the more democratic

environment resulting from the general elections, the new Government to be installed in November 1999 would carry the current endeavours still further.

61. He would convey the Chairman's statement that had just been adopted to the authorities in Jakarta and, in that spirit, his delegation would continue to pursue a constructive dialogue and to cooperate with the Sub-Commission.

The situation of human rights in Mexico

62. Mrs. DAES thanked all the members of the Sub-Commission for their assistance in reaching an agreement with the delegation of Mexico on a draft Chairman's statement on the human rights situation in that country. Once again, a spirit of cooperation, non-confrontation and dialogue had prevailed. She also thanked the representatives of the Mexican Government and of indigenous groups, particularly those from the State of Chiapas, for their constructive cooperation.

63. Speaking as Chairperson of the Working Group on Indigenous Populations, she expressed her empathy with the sufferings of the indigenous communities of the States of Chiapas, Guerrero and Oaxaca but stressed that their disputes with the Mexican Government could be more effectively addressed through peaceful negotiations, if necessary with United Nations assistance. She recommended that the San Andrés agreements between the Mexican Government and the Zapatista National Liberation Army should be implemented.

64. She expressed the hope that the draft Chairman's statement would be adopted by consensus and suggested that the observer for Mexico should be given the opportunity to make a statement before its adoption.

65. Mr. de ICAZA (Observer for Mexico) said that he would prefer to make his statement announcing the commitments of the Mexican authorities after the Chairman's statement had been adopted.

66. Mr. BOSSUYT said that the Chairman could not make a statement until he had ascertained that all members of the Sub-Commission were in agreement. As that seemed to be the case, he proposed that the Chairman should read out what was, in his view, a "statement" and not a "draft statement".

67. Mr. JOINET said that despite having some reservations regarding the text of the draft statement, he would not break the consensus.

68. Mr. GUISSÉ said that, since a Chairman's statement could not subsequently be challenged, work on the draft text should be suspended until every member had the document in his or her working language.

69. Mr. ALFONSO MARTÍNEZ said that Chairman's statements were reference texts reflecting the view of the Sub-Commission in its entirety.

70. Mrs. DAES said that the purpose of the proceedings was to encourage Governments to promote and protect human rights and to cooperate with the Sub-Commission. The Chairman should read out the draft text, after which the observer for Mexico would make a statement setting forth his Government's commitments.

71. Mr. GUISSÉ said that, in a spirit of compromise, he would agree to the procedure proposed by Mrs. Daes.

72. The CHAIRMAN read out the following draft statement:

"The Sub-Commission on the Promotion and Protection of Human Rights welcomes the positive developments which have taken place within the country of Mexico since last year. These developments have included the ratification by the Government of Mexico of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 12 November 1998, as well as the ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women on 3 December 1998. The Sub-Commission is also particularly pleased that the Government of Mexico has introduced the National Programme for the Defence and Promotion of Human Rights on 21 December last year. These initiatives by the Government of Mexico may help to ensure a situation in which human rights are increasingly respected and observed. In particular, the Sub-Commission welcomes the provisions made within the National Programme which establish special social programmes relating to the promotion of human rights education, securing the human rights of women and children, and the alleviation of poverty. The Sub-Commission also notes that, on 6 June 1999, the Federal Congress of Mexico approved a constitutional reform providing for the complete autonomy of the National Commission of Human Rights.

The Sub-Commission, however, wishes to express its continuing concern over the human rights situation in Mexico, and notes persistent allegations of torture, extrajudicial execution, and 'disappearances', as well as violations perpetrated against indigenous communities within that country. The Sub-Commission also notes the concluding observations of the Human Rights Committee from 27 July 1999 which express concern over the increase in actions by the armed forces within society, particularly in the States of Chiapas, Guerrero and Oaxaca. The Sub-Commission requests the Government of Mexico to take urgently further steps to implement the National Programme for the Defence and Promotion of Human Rights, as well as to investigate all human rights violations, committed by both State and non-State forces, and to take effective and concrete steps to bring the perpetrators to justice in accordance with international human rights standards.

The Sub-Commission also takes note of the invitation addressed to the Chairperson of the Working Group on Indigenous Populations, Mrs. Erica-Irene Daes, by the 'Instituto Nacional Indigenista'. In this respect the Sub-Commission understands that the Office of the High Commissioner for Human Rights has been contacted regarding the financial implications of such a visit."

73. The draft Chairman's statement was adopted.

74. Mr. de ICAZA (Observer for Mexico) said that his delegation had taken note of the Chairman's statement on the situation of human rights in Mexico, which welcomed the positive developments that had taken place in his country

since the previous year, and in which the Sub-Commission found that the initiatives taken by his Government helped to ensure a situation in which human rights were increasingly respected and observed.

75. Since the adoption of Sub-Commission resolution 1998/4, on developments in the situation in Mexico, his Government had taken some major steps to improve the situation of human rights, such as the establishment of the National Programme for the Defence and Promotion of Human Rights, the granting of full autonomy to the National Commission of Human Rights, and the investigation, trial and punishment of human rights violators.

76. His Government shared the Sub-Commission's concerns regarding allegations of violations of human rights and he assured the Sub-Commission that it was endeavouring to investigate all complaints and to punish those responsible for such violations. It was determined to create a culture of respect for human rights in Mexico and to adopt every measure to do away with impunity.

77. His Government continued to show its firm political will to resolve the conflict in Chiapas through peace negotiations. The conflict was not one between the indigenous populations and the Government of Chiapas. There was no conflict of that type in Mexico.

78. With respect to the concluding observations adopted by the Human Rights Committee at its previous session concerning the periodic report of Mexico, his Government was preparing its observations, which would be taken duly into account in accordance with the International Covenant on Civil and Political Rights and with the Committee's own rules of procedure. His Government fully agreed with the Committee that, generally speaking, order should be maintained within the country through the civil security forces. Nevertheless, there were occasions and places in which such forces were not sufficient to maintain order, protect citizens and dissuade from violence, rendering the presence of armed forces necessary to afford temporary assistance to the civil authorities.

79. His Government was doing everything in its power to implement the National Programme for the Defence and Promotion of Human Rights. To that end, it was fully cooperating with international and regional human rights mechanisms. During the past year, it had invited special rapporteurs of the Commission on Human Rights to visit Mexico; it had accepted the mandatory jurisdiction of the Inter-American Court of Human Rights, and had ratified additional international human rights instruments. It would continue its policy of full cooperation with the international community in general and with the Sub-Commission in particular.

80. In 1998, the Mexican Minister for Foreign Affairs had invited the United Nations High Commissioner for Human Rights to visit Mexico in order to continue the constructive dialogue initiated regarding possible technical cooperation. The High Commissioner had accepted the invitation, and, having regard to her other travel commitments, had proposed that the visit should take place in the autumn of 1999. He was happy to announce that his Government had accepted the dates suggested by the High Commissioner, and would be glad to receive her from 23 to 27 November 1999.

81. In addition, his Government intended to invite, at an appropriate date in 2000, the Special Rapporteurs on the independence of judges and lawyers and on violence against women, its causes and consequences, to visit Mexico. It hoped that those invitations would be accepted. Moreover, the National Institute for Indigenous Affairs had invited the Chairperson of the Working Group on Indigenous Populations to visit Mexico. His Government would accord her every facility to ensure that the visit was a success.

82. Lastly, he wished to thank the members of the Sub-Commission for the constructive dialogue that had taken place and the appropriate manner in which its concerns had been dealt with.

83. Mr. JOINET said that the Mexican Government's decision to invite the Special Rapporteur on the independence of judges and lawyers to visit Mexico indirectly met his concern that the question of impunity was not adequately addressed in the Chairman's statement. He requested the Secretariat to ensure that copies of the Chairman's statement and of the statement made by the observer for Mexico were sent to the two Special Rapporteurs.

84. Mr. RAMISHVILI said that he had not wished to interrupt the proceedings with points of order. However, Chairman's statements could not be read out until there was a consensus as to the text. He trusted that no further infringements of that procedure would take place at the current session or at future sessions.

85. The CHAIRMAN said he had confirmed that there was consensus as to the text before reading it out.

86. Mr. BENGOA said that he would have preferred the Chairman's statement to contain some reference to follow-up action; however, it was implicitly understood that developments in the situation would have to be studied by the Sub-Commission at its next session.

87. Mr. EIDE said that four Chairman's statements had been adopted at the current session. That was a very positive development, as such statements were the outcome of a cooperative effort addressing very specific points, and were thus potentially far more useful than resolutions. He wished to thank all those involved in the process of negotiation, particularly tne representatives of the Governments of Togo, Belarus, Indonesia and Mexico.

88. Mr. PINHEIRO said it should be stressed that the Sub-Commission had used its power to adopt country-specific resolutions with great restraint.

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES;

(b) XENOPHOBIA

(agenda item 3) (continued) (E/CN.4/Sub.2/1999/L.2 and 3)

Draft decision on the concept and practice of affirmative action (E/CN.4/Sub.2/1999/L.2)

89. Mrs. DAES said that she wished to become a sponsor of the draft decision.

90. Mr. FAN Guoxiang said that, in conducting his study, the Special Rapporteur should take account of the fact that the concept of affirmative action was understood and implemented differently in different parts of the world, and that the spirit in which it was implemented might or might not vary accordingly.

91. Mr. ALFONSO MARTÍNEZ proposed that, in order to bring the draft decision into line with the practice followed elsewhere by the Sub-Commission, the two references to the High Commissioner for Human Rights should be replaced by references to the Secretary-General.

92. It was so decided.

93. The draft decision, as orally amended, was adopted.

Draft resolution on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (E/CN.4/Sub.2/1999/L.3)

94. Mr. ALFONSO MARTÍNEZ said that the words "racial discrimination, xenophobia" appeared to have been inadvertently omitted after the word "racism", in the second line of paragraph 15 of the draft resolution.

95. Mr. WEISSBRODT, introducing the draft resolution on behalf of its sponsors, said that the word "completed" should be deleted from the first line of the fifteenth preambular paragraph, so as to make it clear that work was continuing. The words "based on his working paper (E/CN.4/Sub.2/1998/5)" should be added at the end of subparagraph (a) of the same paragraph.

96. The text of the draft resolution perhaps reflected the combined contributions and suggestions of all members to a greater extent than any other submitted at the current session. It would seem, therefore, that it could be adopted unanimously.

97. Mr. YIMER and Mr. SORABJEE said that they wished to become sponsors of the draft resolution.

98. Mr. JOINET said that, in the fourteenth preambular paragraph of the French text the words "collaboration du [...] avec la ..." should be amended to read "coopération existante entre le [...] et la ...", so as to stress that the two bodies had equal status.

99. Mr. BOSSUYT proposed inserting an additional paragraph, following paragraph 14, to read: "requests Mr. Paulo Sérgio Pinheiro to participate, without financial implications, in the preparatory meeting of the World Conference as the representative of the Sub-Commission".

100. Mr. ALFONSO MARTÍNEZ said that there seemed to be no need to refer to the financial implications of Mr. Pinheiro's participation.

101. Mrs. WARZAZI said that the request should be directed not to Mr. Pinheiro but to the Secretary-General.

102. Mr. BOSSUYT then proposed the alternative wording "requests the Secretary-General to ensure the participation of Mr. Paulo Sérgio Pinheiro in the preparatory meeting of the World Conference as the representative of the Sub-Commission".

103. Mr. Bossuyt's revised wording for his proposed additional paragraph was accepted by the sponsors.

104. The draft resolution, as orally corrected and revised, was adopted unanimously.

The meeting rose at 1 p.m.